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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/214,022	12/23/98	LASSON	

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EXAMINER

LEE, L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED:

05/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/214,022

Applicant(s)

Lasson

Examiner

Laura Lee

Group Art Unit
1772



☒ Responsive to communication(s) filed on Apr 7, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 14-30 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 14-30 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

WITHDRAWN REJECTIONS

1. The specification and claim objections of record in Paper #4 (filed on December 10, 1999), page 1, paragraphs 1-5 have been withdrawn due to Applicant's amendments in Paper #5 (filed on March 13, 2000).
2. The 35 U.S.C. 112 rejections of record of claims 14-26 in Paper #4, pages 3-4, paragraphs 7, 8, 10, 12 and 13 have been withdrawn due to Applicant's amendments in Paper #5.
3. The 35 U.S.C. 102 rejections of record of claims 14 and 17 in Paper #4, pages 5-6, paragraph 17 have been withdrawn due to Applicant's arguments in Paper #5.

REJECTIONS REPEATED

4. The 35 U.S.C. 112 rejections of claims 14-18 as indefinite are repeated for reasons previously of record in Paper # 4, pages 3-4, paragraphs 9 and 11 .
5. The 35 U.S.C. 102 rejections of claims 14-16, 18-21, 24, 25, 27, 29 and 30 as anticipated are repeated for reasons previously of record in Paper # 4, pages 5-6, paragraphs 15-16.
6. The 35 U.S.C. 103 rejections of claims 22, 23, 26 and 28 as unpatentable are repeated for reasons previously of record in Paper #4, pages 6-7, paragraph 19.

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NEW REJECTIONS

Claim Objections

7. Claim 14 is objected to because of the following informalities: “that” should be “than”.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skjelby, US 4206867 in view of Nagata, US 4909432. .

Skjelby discloses generally all that is claimed, as stated in Paper #4, page 5, paragraph 15, including that containers, such as Skjelby’s present invention, for beverages such as milk, cream, other dairy products, juices and the like are conventionally constructed from thermoplastic coated paperboard. See column 1, lines 13-15. Skjelby, however, fails to teach a container with a first layer of paperboard and a second layer is selected from the group consisting of aluminum or greaseproof paper.

Nagata also teaches a paper container for containing liquid such as milk and juice. See abstract. Nagata further discloses that conventional containers of this type are usually formed by providing folding line grooves on a bare thick paper and thereafter applying polyethylene,

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aluminum and the like on the paper in several layers and bonding thereof. See column 1, lines 15-19.

It would have been obvious for one of ordinary skill in the art at the time of the invention to substitute the conventional aluminum coating on paper, as disclosed by Nagata, for the conventional thermoplastic coating used by Skjelby. One would have been motivated by a reasonable expectation of success since both inventions disclose the conventional use of thermoplastic coated paperboard for containers for beverages such as milk and juice, and aluminum is an alternative conventional coating.

ANSWERS TO APPLICANT'S ARGUMENTS

10. Applicant's arguments filed in Paper #5 regarding the specification and claim objections of record have been considered but are moot since the objections have been withdrawn.

11. Applicant's arguments filed in Paper #5 regarding the 35 U.S.C. 112 rejections of record in Paper #4, pages 3-4, paragraphs 7, 8, 10, 12 and 13 have been considered but are moot since the rejections have been withdrawn.

12. Applicant's arguments filed in Paper #5 regarding the 35 U.S.C. 102 rejections of record of claims 14 and 17 in Paper #4, pages 5-6, paragraph 17 have been considered but are moot since the rejections have been withdrawn.

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13. Applicant's arguments regarding the 35 U.S.C. 112 rejections of claims 14-18 of record in Paper # 4, pages 3-4, paragraphs 9 and 11 have been carefully considered but are deemed to be unpersuasive because Applicant failed to make the claims definite.

Applicant submits that the crease lines are, in fact, defined by the linear fold regions. However, the structural relationship, such as "the crease lines define the perimeter of the linear fold regions" or otherwise, would more define the structural relationship between the crease lines and the linear fold regions.

Applicant submits that claim 18 has been amended to fully comport with the 35 U.S.C. 112 requirements for definiteness of claims. However, it is still not clear as to the structural relationship between the plurality of score lines and the plurality of linear fold regions. Claim 18 states that "the laminate has a plurality of score lines formed there in, each of the plurality of score lines corresponding to one of the plurality of linear fold regions". It remains unclear whether the score lines overlap, are adjacent, form the perimeter, are perpendicular, or otherwise, in relation to the linear fold regions.

14. Applicant's arguments regarding the 35 U.S.C. 102 rejections of claims 14-16, 18-21, 24, 25, 27, 29 and 30 of record in Paper # 4, pages 5-6, paragraphs 15-16 have been carefully considered but are deemed to be unpersuasive because Applicant's arguments are not commensurate in scope with the claimed invention.

Applicant argues that the adhesive used by Skjelby for preventing adhesive of two discrete sections of the laminate to one another, which is in complete contrast to the present

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invention in which an adhesive may be used to prevent or weaken the bonds between layers in a single laminate. However, applicant claims in claim 14 a first bond strength, and a second bond strength less than the first bond strength. This does not exclude a second bond strength of zero and therefore still reads on Skjelby.

Applicant further argues that Zinn teaches the formation of crease lines, but fails to teach a first layer and a second layer bonded to the first layer having a first bond strength where the plurality of crease lines of the laminate have a bond strength that is less than the first bond strength. However, as mentioned above, Applicant's claims do not exclude a bond strength of zero, and Zinn clearly shows a region with a first bond strength (the bond strength at the non-fold regions) greater a second bond strength (the bond strength at a plurality of linear fold regions). See figures 2 and 3 and column 3, line 49 to column 4, line 11.

15. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 22, 23, 26 and 28 of record in Paper #4, pages 6-7, paragraph 19 have been carefully considered but are deemed to be unpersuasive because Applicant relies on the arguments made against Skjelby which were addressed in above paragraph 14.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Lee whose telephone number is (703) 308-0087. The examiner can

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normally be reached on Monday through Thursdays from 9:00 am to 6:30 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Ellis Robinson, can be reached on (703) 308-2364. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

The telephone number for the receptionist is (703) 308-0661.

A handwritten signature in black ink, appearing to read "Ellis P. Robinson". The signature is fluid and cursive, with the first name "Ellis" and last name "Robinson" clearly distinguishable.

**Ellis Robinson
Supervisory Patent Examiner
Technology Center 1700**

LLL

May 17, 2000